

REMARKS

After the foregoing Amendment, claims 1-9 and 20 are currently pending in this application. Claims 11-19 have been canceled. Claims 1 and 10 are amended to more distinctly claim subject matter which the Applicant regards as the invention.

Claim Rejections - 35 U.S.C. § 102

Claims 1-9 and 20 were rejected under 35 U.S.C. § 102(e), as being allegedly anticipated by Schriefer (2004/0023520). This rejection is respectfully traversed in view of the claims as now presented.

With regard to claim 1, the examiner notes in the Response to Arguments on page 5 of the Action, that “Schriefer discloses a connector which comprises a first connector and an electronic device, such as a biometric device, coupled together by a connection mechanism which permits rotation (*ie. ‘The connector may further comprise additional connector heads, an electronic device and/or an additional connection mechanism to permit rotation...’*) [page 1, paragraph 0007].” Earlier in paragraph 7 of Schriefer, the connector referred to in the cited lines is disclosed as comprising “a first connector head..., a second connector head and a connection mechanism coupling the first and second connector heads...” Thus, Schriefer requires at least two connector heads, whereas the claim 1 recites a token having a single male USB connector located on a first member. MPEP requires that a reference must teach every element of a claim to anticipate the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Here, Schriefer explicitly describes a connector having a first connector head, a second connector head, and a connection mechanism coupling them together. In contrast, claim 1 recites only a single USB connector located on a first member. The second member is not described as having a connector. A bendable member connects the first and second members.

Thus, Schriefer does not disclose “each and every element as set forth in the claim,” as is required to support a rejection based on anticipation.

In addition, it would not have been obvious to modify Schriefer, such as by removing the second connector head, to arrive at the apparatus of claim 1, because to do so would render Schriefer inoperative for its intended purpose. See MPEP 2143.01(V), “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).”

Furthermore, even assuming *arguendo* that it would have been possible for Schriefer to have modified the components disclosed therein to arrive at the apparatus of claim 1, Schriefer failed to do so. That also suggests that it would not have been obvious for Schriefer to have modified the components, because if it were obvious, Schriefer presumably would have done so.

Because Schriefer does not teach all of the features of claim 1, Schriefer does not anticipate claim 1 under 35 USC § 102(e), and claim 1 is allowable over Schriefer. Claims 2-9 and 20 depend from claim 1. Therefore, without prejudice to their own individual merits, those claims are also deemed allowable.

Claim Rejections - 35 U.S.C. § 103

Claim 10 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Schriefer (same as above) in view of Elteto *et al.* (2001/0043702). This rejection is respectfully traversed.

Claim 10 depends from claim 1, and Elteto does not supplement Schriefer to provide all of the features of claim 1 missing in Schriefer. Thus, it would not have been obvious to combine Schriefer with Elteto since the combination would still lack at least some of the features of claim 1, all of which must also be included in dependent claim 10. Therefore, without prejudice

to its own individual merits, claim 10 is deemed allowable over Schriefer in view of Elteto for at least the reasons claim 1 is allowable over Schriefer alone.

Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 10 is respectfully requested.


Conclusion

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including claims 1-9 and 20, is in condition for allowance and an early notice of allowance is respectfully requested.

Respectfully submitted,

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